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In re Application of
BERGSTROM, Joakim et al.
Application No.: 10/551,080
PCT No.: PCT/SE2004/000543
Int. Filing Date: 06 April 2004
Priority Date: 07 April 2003
Docket No.: P18218-US1
For: RLC WINDOW SIZE
RECONFIGURATION

DECISION

This decision is in response to Applicant's Response to Notification of Defective Response, filed in the above-captioned application on 15 January 2007.

BACKGROUND

On 27 September 2005, applicants supplied a transmittal letter for entry into the national phase in the United States, accompanied by, *inter alia*, the basic national fee. Applicants had supplied a declaration for the United States under PCT Rule 26ter during the international phase.

On 02 June 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the oath or declaration of the inventors did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. It set a TWO (2) MONTH extendable period for response.

On 02 August 2006, applicants resubmitted the declaration filed during the international phase.

On 12 December 2006, the Office mailed Notification of Defective Response (FORM PCT/DO/EO/916), indicating that the declaration did not comply with 37 CFR 1.497(a)-(b), as it did not identify the application to which it was directed. The Notification set a ONE (1) MONTH non-extendable time period for response, but noted that applicants also had the time remaining in the Notification of Missing Requirements.

On 15 January 2007, applicants filed the Response to Notification of Defective Response arguing that they had supplied a declaration under PCT Rule 4.17(iv) and were not required to supply a declaration complying with 37 CFR 1.497(a)-(b).

DISCUSSION

Applicants supplied a declaration within the time limit of PCT Rule 26ter, but it did not comply with PCT Rule 26ter. The declaration that applicants furnished is the one for use when the declaration is being filed with the international application. The declaration reads "this declaration is directed to the international application of which it forms a part (if filing the declaration with application)." Had

applicants used the version of the declaration for filing under PCT Rule 26~~ter~~, it would have had a blank for listing the international application number. A proper PCT Rule 4.17(iv) declaration complies with 37 CFR 1.497(a)-(b), but this declaration does not comply. It failed to identify the international application to which it was directed.

Additionally, the declaration contains non-initialed, non-dated alterations made in ink to the address of an inventor. Such changes would also not comply with the requirements of 37 CFR 1.497(a)-(b). MPEP 605.04(a).

CONCLUSION

Applicants submission does not comply with 37 CFR 1.497(a)-(b).

This application is **ABANDONED**.

Applicants may wish to consider the filing of a petition to revive an unintentionally abandoned international application under 37 CFR 1.137(b). If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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